

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

OCT 11 2018

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

JASON JAYAVARMAN,

Defendant-Appellant.

No. 18-30131

D.C. No.

3:13-cr-00097-SLG-1

District of Alaska,
Anchorage

ORDER

Before: Peter L. Shaw, Appellate Commissioner.

The court has received and reviewed appellant Jason Jayavarman's response (Docket Entry No. 14) to the court's order for further information regarding Jayavarman's request for leave to represent himself on appeal. A hearing is appropriate to confirm that Jayavarman's request for self-representation and waiver of the right to counsel are knowing, intelligent, and unequivocal, to apprise Jayavarman of the dangers and disadvantages of self-representation on appeal, and to determine whether the court should exercise its discretion to allow Jayavarman to represent himself. *See Hendricks v. Zenon*, 993 F.2d 664, 669 (9th Cir. 1993).

gml/Appellate Commissioner

18-30131

Accordingly, on Tuesday, October 16, 2018, 1 pm Pacific Time, appellant Jayavarman shall appear for a hearing by videoconference at FCI Terminal Island, San Pedro, CA. The Appellate Commissioner will conduct the hearing by videoconference at the United States Court of Appeals for the Ninth Circuit in San Francisco.

Assistant United States Attorney (“AUSA”) Andrea W. Hattan shall participate by telephone, or shall notify the court in writing that the government takes no position on Jayavarman’s request to represent himself. Appellant’s retained counsel, Philip Paul Weidner, Esq., shall also appear by telephone. Counsel shall inform the Appellate Commissioner’s office (415-355-8110 or by email) of the telephone number at which she may be reached on the day of the hearing.

To participate in the telephonic conference, call 1-888-273-3658. At the prompt, enter the access code 4470236 and the # key. You will be prompted to enter the # key to join the conference as a participant.

AUSA Hattan shall make the appropriate arrangements with the Federal Bureau of Prisons to produce Jayavarman at the videoconference hearing.

At any time, appellant Jayavarman may file a motion to withdraw his request to represent himself by submitting a completed Form CJA 23 and requesting the

appointment of counsel to represent him on appeal at government expense, or by retaining counsel, who shall enter a notice of appearance.

The motion by appellant's counsel, Philip Paul Weidner, Esq., to withdraw as retained counsel shall be addressed in a later order. Briefing of the appeal continues to be stayed pending further order.

The Clerk shall serve this order and a Form CJA 23 on appellant individually: Jason Jayavarman, BOP Reg. No. 17064-006, FCI Terminal Island, Federal Correctional Institution, P.O. Box 3007, San Pedro, CA 90733.

The Clerk also shall serve this order electronically on FCI Terminal Island Case Manager T. Shiu and Executive Assistant Rosalind Tate.